

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED

04/19/2024

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 V.) CAUSE NO. 1:24-cr-00067-JPH-MG
)
 CHRISTOPHER J. MARKHAM,)
)
 Defendant.)

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk

INFORMATION

The United States Attorney charges that:

Count One
Wire Fraud
18 U.S.C. § 1343

At times relevant to the charge alleged herein:

Background

1. The United States Social Security Administration (“SSA”) administers the nation’s federal retirement, disability, survivor, and family benefits programs.
2. The Defendant, CHRISTOPHER J. MARKHAM, a resident of Westfield, Indiana, was employee of SSA based in Anderson, Indiana, both of which were in the Southern District of Indiana. During the period relevant to the charges herein, MARKHAM was paid an annual salary of between approximately \$73,636.36 and \$77,526.03. As an SSA employee, MARKHAM was required to work on official SSA business during work hours, unless he was on approved time-off or “leave” status.

3. Also during approximately 2019 through 2021, MARKHAM was a manager or owner of Markham Inspection Services, LLC, an Indiana company formed on or about January 22, 2019, that provided home inspections in connection with residential real estate transactions.

4. The Family and Medical Leave Act entitles eligible employees, including SSA employees, to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

5. Emergency Paid Leave was a new category of paid leave for federal employees, including SSA employees, created by the American Rescue Plan of 2021 in response to the COVID-19 pandemic. Generally, Emergency Paid Leave provided for paid time off when an employee was unable to work due to, among other things, the need to care for a child because of COVID-19 precautions, the child's school or place of care was closed or the child's care provider was unavailable, or the child was participating in virtual learning instruction.

MARKHAM's Fraud Schemes

6. Beginning on or about February 13, 2019, and continuing until on or about June 17, 2022, within the Southern District of Indiana, the Defendant, CHRISTOPHER J. MARKHAM, devised and intended to devise schemes and artifices to defraud the Social Security Administration and to obtain money or property from the Social Security Administration by means of false or fraudulent pretenses, representations, or promises.

Ghost Employment Scheme

7. Between approximately February 13, 2019, and June 17, 2022, MARKHAM engaged in a scheme by which, during work days, he made it appear as though he was working full-time for SSA, for which he was paid his fully salary and benefits, when in reality, for

significant periods of time during work hours, he was operating and earning income from Markham Inspection Services (“MIS”) and not performing official SSA business.

8. It was part of this scheme that, on February 13, 2019, MARKHAM falsely stated on an official “Request for Approval of Outside Activity” form (SSA-520) that MIS’s residential home inspections would be “performed only on weekends,” which caused the SSA reviewing official to approve the outside activity, in part, because “they will only work on weekends” and MARKHAM stated “he would not receive calls at work regarding this business.”

9. It was further part of this scheme that, on February 19, 2020, MARKHAM provided “corrected” information regarding MIS’s ownership to the SSA reviewing official but failed to correct the false statements that work would be “performed only on weekends.”

10. In reality, between approximately February 13, 2019, to June 17, 2022, MARKHAM routinely performed home inspections for MIS during the workweek while purporting to “telework” on official SSA time.

11. MARKHAM concealed the fact that he was not performing SSA work during official work hours by, among other things, having his wife and his mother access the SSA computer system to make it appear as though he was working. MARKHAM also sent emails to his supervisor to make it appear as though he was working.

12. Because MARKHAM was not performing his work, his SSA co-workers were required to complete his assigned tasks.

13. MARKHAM nevertheless sought to be paid in full during this period. He did so by submitting fraudulent time reports to SSA via interstate wire communication by attesting in SSA’s online timekeeping portal that he worked for SSA during these hours and by submitting daily logs via email to his supervisors stating he completed SSA work during those hours, in

which he falsely claimed he was working on SSA business when in reality he was out performing home inspections for and earning income from his business, MIS. In total, MARKHAM submitted 53 false time reports totaling \$27,842.91, which was paid by the SSA.

Emergency Paid Leave Scheme

14. Additionally, on multiple occasions during approximately March 2021 and September 2021, MARKHAM engaged in a scheme by which he made it appear that he met the requirements for Emergency Paid Leave (“EPL”—namely, by falsely claiming he was required to stay home to take care of his children—when in reality his children were in daycare and MARKHAM was performing work for and earning income from his business, MIS.

15. It was part of this scheme that MARKHAM sent fraudulent requests for EPL to SSA via interstate wire communication by sending EPL Forms to SSA management, in which he falsely claimed that his children’s daycare was closed, or that his children could not attend daycare, due to COVID -19, when in reality the daycare was open, his children were in attendance, and he was, among other things, performing inspections for and earning income from his business, MIS. During the relevant period, MARKHAM performed at least 70 home inspections while claiming to be on EPL.

16. MARKHAM fraudulently requested, and was granted, EPL for 57 days during approximately March 2021 and September 2021, for a total of 391.75 hours, which he received a total of \$21,413.06 in compensation from the SSA.

Family and Medical Leave Scheme

17. Finally, on multiple occasions between approximately January 13, 2020 and January 10, 2022, MARKHAM engaged in a scheme by which he made it appear that he met the requirements for Family and Medical Leave Act benefits (“FMLA”—namely, by falsely

claiming he was unable to work due to illness—when in reality, he was performing work for and earning income from his business, MIS.

* * *

18. In total, MARKHAM's fraudulent conduct caused a loss to the SSA of approximately \$49,255.97.

All of which is a violation of Title 18, United States Code, Section 1343.

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